

TWENTY-FIFTH YEAR.

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SIGNAL BUTTE.

BY CAPTAIN CHARLES KING.

Author of "The Colonel's Daughter," "The Deserter," etc.

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CHAPTER V.

It will be remembered that Muncy, with a fleet horse, had probably an hour's start of his pursuers, possibly more, that he had dropped in at the old post long enough to give them warning, and then had ridden away for Kelly's. "Just as quick as I've warned the old man I'll come back to you," he called to Lieutenant Crane, who had thanked him somewhat inadequately for the service rendered. Crane shared the universal suspicion, perhaps, and disbelieved Muncy's report on general principles. Muncy was spurring off when Crane halted him. "You must have met—on a mile—didn't you turn him back?"

And Muncy, who was hurrying in his saddle, evidently astonished and for a moment confused. "Leon! Never saw nothing of him—or anybody," he muttered. "Never knew he was back here—at least—I didn't know it until I heard a rumor of it to-night. Evidently it wouldn't do for Mr. Muncy to tell that he, an old soldier, soon be known how they had been talking but a few hours before of Leon's return. 'How'd you come to let him go?' he queried, turning about again, and apparently forgetting his urgent mission to Kelly's.

"Well, he never stopped to ask me," said Mr. Crane, which was very true. "But I can't understand how you could each other if you kept the road. However, go ahead and warn Kelly, and then come back here and we'll talk about Leon."

And Muncy had gone on to Kelly's, but that was the last seen of him, despite the fact that he gave Kelly to understand that he would return to Crane again at once. Ferguson and his friends came galloping in to old Signal Butte, and stirring up the guard, and they could tell of Leon's safe arrival within easy range of the old post, and of their warning him to stay there, but they, too, had pushed on to Kelly's, and thence, scolding at the Kellys' story of Muncy's return to the outpost, and telling him that he was a liar, which Kelly already knew, and a horse thief, which he had more than suspected, they had ridden straight back past the lower gate of the canyon made for the trail at Raton. Whether they had met or not, or even the Indians no one could tell. The fate of Muncy and his pursuers became, for the time being, a secondary consideration. Thornton's first effort was to ascertain what had become of Leon.

With any luck at all the boy should have got back to the old post by 3 or 3:15 in the morning, and Crane and his little guard, Mr. Downey and her sympathizing friends, however, had reasoned that he would not be allowed to attempt to return, and so had ceased to look for him. They conveyed to the woman the tidings brought by Ferguson, for up to that moment he had disbelieved Muncy's wild tale. Then, deeming his sense of duty to tell the rest of his party to lie down and rest, he coolly sprang himself on his blankets and went to sleep. The next thing he knew it was nearly dawn, and the sentries had roused the guard. Springing to his feet, Crane demanded the cause of the alarm, and was told that there was a party of Indians in the eastern sky was beginning to flush as the little detachment quickly, noiselessly assembled in the twilight, in front of the old guard house. Two veteran soldiers, Tracey and Collins, were on post at the time, and both declared that there had been a rapid fusillade—at least a dozen shots. It could have come from nowhere, but Kelly's said they, though from their stations they could not see the farm buildings, Corral Fort, and Kelly's inside the corral wall when the distant

firing began, and ran for the gateway at once, but it had ceased by the time he got to a point whence Kelly's ranch was visible. Then for a moment the lieutenant was in a quandary. His orders required him to send to and fire the beacon at Signal Butte, but this might not have been Apache at all. It might well have been a skirmish between the horse thief and his pursuers who had tracked him to some refuge near Kelly's. That was a matter in which military interference could hardly have been tolerated. Settlers and frontiersmen though eager enough to have the army help after the Indians, much preferred to dispose of their own reprobates in their own way. If an attack had been made by Apaches it was speedily over, for not another sound was heard. Within the corral the women and children, however, had been aroused by the suppressed firing, and the sentries were now clamoring to be allowed to go to see if all was well with father and mother, and Crane ordered a corporal and two men to mount, ride thither and ascertain what had happened. In ten minutes they rode away, driven in by a sharp and sudden valley from the thick along the Sandy, not five hundred yards up stream. The providers had so secreted themselves as to enable them to command the road leading to Kelly's and the canyon, and the sentries had seen some of the troop would be sent up to reconnoiter. Crane had never fought Apaches before, but this served to convince him. He reasoned that the bottom was full of tons of shot, that they surrounded him on every side and that the only thing for him to do was to disengage his little force as best he could, and then, if he could, to turn and fight the terrified women and children and old out against overpowering num-

bers until relief reached him from the fort. He now thought it high time to fire the beacon, but who was to do it with Apaches watching every path-way? How could any one hope to reach that outlying butte? Every minute it was growing lighter, however, and as soon as broad day came he determined to make the attempt, and then Downey, an old ex-dragon and a stalwart settler, took a hand in questioning the corporal who, with his fellows, had been driven in unharmed, yet a little demoralized. Neither horse nor man had a scratch, yet everybody had heard the fusillade—six or eight rapid shots almost bunched. "I never knew Apaches to fire so many shots before," said he, "and miss. You're sure they weren't more'n ten yards away?"

"Certain sure," said the corporal. "Certain sure," said his followers, who were a good-looking young trooper. Then after a moment's pondering Downey said he believed he could get to the butte in safety, and he'd go and fire the pile, whereat the women began to wall again and the lieutenant to protest, and right in the midst of the discussion a column of smoke, speedily becoming a wall again, shot upward toward the zenith from the summit of the old butte, and everybody thought how plucky a thing it was in Kelly to creep out there and climb that jagged boulder strewn cone in the dim morning light, set fire to the ever ready stack of wood and steel bars, and then, as they were talking of it when broad daylight and Kelly came in together. "The blackguards run off my miles," he said, with a fierce look at the poor bastards. "There can't be more'n six all told. Can't the lieutenant spare me a few men to go after them? Of course, of course, for the Socorro. But Crane said he'd go himself with a dozen men if he need be, for he had been chiding at the idea of going down there, and all was eager to retrieve himself ere they could reach them and the chance be done."

"The bottom must be clear if you came across from the Butte," said, "and very likely they'll run for all they are worth."

"Yes, the bottom's clear enough, sir, though I haven't been near the Butte."

"You haven't? Then who fired the beacon?"

"I'm sure I don't know, sir. I thought some of this party had been sent over to do so."

And then men began looking into each other's faces, bewildered. If not by someone at Kelly's or here at the post, who could have scaled the butte and started the signal fire? Already a look of doubt, peering eastward through the lieutenant's binoculars, reported a dust cloud far up the rise toward the new post—the coming of the reinforcements—and if Crane meant to do anything at all, now was his time.

"I'll leave you to find out who did it, sergeant," he said. "We'll go on after the miles. Perhaps the Apaches did it themselves as a joke."

"Apaches don't joke," growled the old man, with gloomy face, as the detachment trotted away. "There's been no joke from one end of this night to the other, but there's been some stupid blundering on somebody's part, or I'm a recruit." And then, turning to one of his daughters, who stood silently by, he said, "Fetch me the pony, Kate. I'll ride back to your mother."

"Sure, didn't you know yet, father? 'Twas Leon took it to ride to the fort for me, for Mrs. Downey."

And thus for the first time was the veteran trooper made aware that his little friend and foundling had dared that midnight ride. Fearfully he broke forth: "And was there no man among you?"

He turned to the silent group of soldiers left behind. "No man among you to do a man's work that you should let a boy do?"

"And was there no man among you?" he asked. "Where were you, Phil Downey, that you should send a kid like that for your wife's poppy sauce?"

"Where was I but tending to my own business, as you were, Sergeant Kelly," answered the other veteran stoutly, for between the two ex-dragons and rival ranchmen, little Leon was wasted. "Of course, if I'd been here, 'taint Leon or anybody else would have gone for medicine, but me, as you ought to have sense enough to know if you weren't so keen to be saddling blame on other fellows' shoulders, or so diverting it from your own. Me and Mike spent the night at our ranch, as you did at yours, and never came near here, heh heh heh." And Downey's eyes flashed angrily on his more prosperous neighbor. "I haven't a government post or a government arsenal to draw on to defend me property and I have to do it myself," he answered in withering sarcasm, and in anything would stir old Kelly's wrath to the nth.

And thus she rules with kindly hand, while all her happy household band arise and call her blessed name."

Enjoying most where most she loves She has no great desire to roam. But by her pure example proves How love may sanctify the home. And thus she rules with kindly hand, while all her happy household band arise and call her blessed name."

—Chambers' Journal.

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possibility Leon had striven to return that brought rescue to them at the salop, and in so doing had betrayed his own presence to the lurking foe. Here again, therefore, was a case where the ground remained in the hands of the party, but all the telling blows were dealt by the other. The soldiers had felt the sting of Kelly's words. True, no one of their number had been ordered, and that perilous ride, though all had heard Mrs. Downey's cries and moans and appeals for aid, and some one might have volunteered and been allowed to go, but not until Leon was well on his way. Then had Downey been there he would not have permitted the sacrifice, and was now ready to bitterly upbraid his weaker half for inspiring him. A good woman in many ways was Mrs. Downey, and very fond of the boys, Randall and Leon, but the

THE CONSTITUTION.

A. T. HEIST'S VIEWS ON THE SPHERE OF GOVERNMENTS.

The Rights of Minorities Should Be Respected in the Forthcoming State Constitution—It Should Be Such a Declaration of Liberty as Will Make Injustice Impossible.

To the Editor of The Herald:

Being impressed with the necessity of some discussion as to our forthcoming constitution, I ask you to publish in your valuable paper a few letters expressing my views upon the sphere of government and some provisions of the constitution.

THE ORIGIN AND SPHERE OF GOVERNMENT.

The natural rights of man are life and liberty. Liberty if it means any thing different from slavery must mean that every person may frame his own plan of life to suit his own character; that is, he may pursue his own method of securing his own happiness, provided always that he harms no one else (and here a distinction is to be observed between that harm done necessarily in preventing the exercise of others of equal rights, and that harm which affects others only because they choose to put themselves in harm's way and no natural right is involved. This, however, is not pertinent to the present discussion.)

Were there IMPULSES OF CONSCIENCE clear, uniformly and irresistibly obeyed, man would need no other law-giver. But that not being the case he finds it necessary to surrender a part of his property to furnish means for the protection for the rest.

Government, which is at best a necessary evil, and at times an intolerable one, arises out of the inability of moral virtue to govern men in their necessary intercourse with each other.

Our inability to avoid social intercourse and the necessity of restraining our views, make governments imperative, and define their objects. The attainment of the objects of government necessarily furnishes the limit of its power. Government, by making possible a fuller enjoyment of man's natural rights by the protection of them, in case as men's happiness affirmatively by uniting their affections and encouraging social intercourse and negatively by restraining wickedness. No government exists which strictly confines itself to the accomplishment of these objects, and until such an one does exist a truly free people cannot last.

That governments had their origin in heaven and the brutalities of tyrants were the fulfillment of the will of God, are superstitions which have faded in the light of reason. That other fabrication, that governments rest on an implied contract, is equally irrational and serves no useful purpose.

A POPULAR FALLACY. The present popular fallacy is that the governed give their consent to be governed, and that governments are constantly protesting against being governed and misgoverned.

We live in society as a matter of necessity, which, with our insatiable desire for moral virtue, makes enforced obedience to certain lines of conduct indispensable to the equal natural rights of all.

Others were examining the signs in the timber and along the Sandy, and the more they found the more were they mystified. Apaches, as a rule, in those days were foot warriors. Others were examining the signs in the timber and along the Sandy, and the more they found the more were they mystified. Apaches, as a rule, in those days were foot warriors.

The Tontoz, Sierra Blancas, Hualapais, Apache Mohaves and Apache Yumas had small use for horse or mule, yet there were more hoof than moccasin prints in the sand, and around Kelly's corral. What was more, both mules and horses were shot. That meant that they had run out of a good deal of stock, and were riding instead of walking, said Turner's men, but Kelly, growing grayer and less disposed to talk with every moment, continued searching on his own account, and neglecting many a chance to snare some calling young trooper hawking theories as to the numbers and movements of the Indians.

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extent depriving him of his liberty. This is slavery, and it is in proportion as the restraint on man's natural liberty is great. Paternalism and slavery are synonymous except as usage has made the latter applicable only to the aggravated forms of the former.

DELEGATION OF AUTHORITY.

Where the community is large, direct participation of all in making rules of conduct for the protection of the natural rights of each is impossible, and therefore a delegation of authority is necessary. The forthcoming constitution will be that delegation of authority to the future legislatures of Utah.

Our courts by asserting the rule of construction to be, that a state legislature is omnipotent in the absence of constitutional restriction, has said that the American people have only destroyed the influence of the tyrant, leaving his dangerous unlimited power to be exercised by that equally dangerous few who constitute a voting majority.

This unreasonable rule of construction must be kept in mind in framing our constitution, and in my opinion should be changed in the constitution itself. Let us assert in our constitution what we constantly mouth in our orations, that the legislature is the servant of the people, and that it has power to do only those things which the constitution expressly authorizes it to do. Also, that the people cannot delegate a power they do not themselves possess; and that, therefore, legislative power must be confined to those calculated to protect man in his natural rights and those calculated to facilitate the necessary social intercourse. Every legislative act which is unjust or unnecessary should not be permitted to infringe upon the accomplishment of the primary objects of government is tyrannical, and it makes little difference whether the tyrannical power is exercised by those selected by us or imposed upon us.

MINORITIES HAVE RIGHTS. Democracy is the best form of government only when so organized that no class, however numerous, shall be able to direct the course of legislation by its exclusive class interest. Minorities have rights which even majorities should not be permitted to infringe upon. For the protection of minorities, constitutions are necessary. Majorities can usually be counted upon to protect themselves.

Every man who has the ambition to be a tyrant will demand that the government should have the utmost power to execute his unreasonable will. The men who understand and appreciate the true meaning of liberty will never wish to infringe upon the liberty of another and will insist that the legislative power be restricted to the minimum.

The constitution is the fundamental law, a declaration of rights made by the people themselves for themselves, with power to reserve the fullest measure of liberty. Let us see to it that this is done.

From the very nature of things there will be but little change of sentiment as to fundamental rights. For this reason and the further one that no opportunity should be given to a bare majority by constitutional amendment to destroy the natural rights of minorities, it is a usual and wise provision of the constitutions that it should take a two-thirds vote of the people to amend them.

PEOPLE MAY WELL DIFFER. There are hundreds of questions within the proper sphere of government about which people may well differ. The constitutional convention should not assume to usurp the power of legislation by passing upon them. One of the principal advantages of our system of government lies in this, that it affords a practicable means for enacting into laws the changed public sentiment. No one should seek to impose upon future generations a legislative policy which cannot be undone by the power which created it.

By constitutional legislation a majority make laws which only a two-

thirds vote can repeal. This is destructive of the chief benefit of our system.

DECLARATION OF LIBERTY. See to it, then, that the constitution is such a declaration of liberty as to make injustice and oppression impossible; that it creates the proper machinery for the protection of every right and the redress of every wrong; that all questions as to the policy or method by which the constituted authorities shall be governed in protecting and enforcing fundamental right, should be left to future generations to fix and alter for themselves by majority votes. Let me caution again not to frame a constitution which will leave a matter of mere numbers to majorities to exercise paternal, that is tyrannical, powers over any one.

Who lets the world, or his part, be a chaos, or a desert, or a waste, or a life for him has no need of any other faculty than the ape-like one of imitation.

A. T. HEIST.

THE OLD NEWSPAPER MAN. [From the Gentleman's Magazine.] For a time all goes well with the enthusiastic, ardent young men who give to their employers the full benefit of all their talents and learning and increasing experience. By and by, however, the political partnership or the editorial supervision of the paper changes. New proprietors and the leading writers find it difficult or impossible to agree. Gray hairs too, begin to appear, before, as yet, there is any considerable diminution of intellectual power, though the mind may be becoming less supple, less adaptive, less responsive to hints from headquarters. Thus it comes to pass that men who still feel themselves in the prime of life, and who are wont to be praised and feted, discover a declining enthusiasm for their work in quarters where it was formerly highly appreciated. Next comes the calling mortification of unsympathetic editorial revision to be followed in the rejection of contributions and reduction of salary.

As a rule, it must be admitted that newspaper proprietors deal leniently and generously with writers whose brilliant work and devoted service laid the foundations of their paper's prosperity and of their own fortune. Yet it does too frequently happen that the writer who in the heyday of his prosperity and fame has been indifferent to worldly considerations and has failed to secure his future by a partnership with himself, compels either to suppress his own convictions and write against his own beliefs, or let himself be shelved when still in the maturity of his powers—his prestige declining and his income diminishing—while that of other men in older professional life, much his inferior in capacity and in the power of work, are steadily increasing.

The journalist who tells unashamedly for the public, making everybody's concerns his own, all too frequently neglects his own. At the end of the day he is himself a neglected man, having little comfort or consolation beyond the reflection that if success has not

been achieved it has been deserved. Of course, many press men, especially those who have been in business long, do win fame and fortune. In their declining years, as proprietors of prosperous papers earning high dividends, they have that which should accompany old age: honor, love, obedience, troops of friends.

THE FROST IS ON THE PUMPKIN. When the frost is on the pumpkin and the fodder's in the shock, And you hear the kye-cuck and the gobble of the struttin' turkey cock, And the cacklin' of the guineas, and the cluckin' of the hens, And the rooster's hallylooyer as he tips his toes on the fence, O, it's there's the time a feller is a-feelin' at his best, With the risin' sun to greet him from a night of peaceful rest, As he leaves the house, bareheaded, and goes out to feed the stock, When the frost is on the pumpkin and the fodder's in the shock, They're something kind o' hearty like about the atmosphere, When the heat of summer's over, and the cooling breeze through the base, Of course, we miss the flowers, and the blossoms on the trees, And the hummin' of the hummin' birds, and buzzin' of the bees, But the air's so appetizin', and the land-cress through the base, Of a crisp and sunny morning of the airy autumn days, Is a picture that no painter has the colorin' to mock, When the frost is on the pumpkin and the fodder's in the shock, The husky, rusty rattle of the tossels on the corn, And the raspin' of the tangled leaves, as golden as the morn', The stubble in the furrows—kind o' lonesome-like, but still A-pinchin' sermons to us of the barns they grewed to fill, When the frost is on the pumpkin and the fodder's in the shock, O, it sets my heart a-cickin' like the clover overhead, The straw stuck in the medder, and the reaper in the shock, James Whitcomb Riley.

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